

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROCHELLE Y. GRAY,

No. C-12-2000 EMC

Plaintiff,

v.

**ORDER RE REPORT AND
RECOMMENDATION TO DISMISS;
AND ORDER TO SHOW CAUSE**

ERIC K. SHINESEKI,

(Docket No. 11)

Defendant.

Currently pending before the Court is Judge Corley's report and recommendation to dismiss the above-referenced case for failure to prosecute. *See* Docket No. 11. While the Court agrees with Judge Corley that there is a sound basis for dismissal based on a failure to prosecute, the Court shall nevertheless give Plaintiff one final opportunity to show cause as to why this case should not be dismissed for failure to prosecute. The Court gives Plaintiff this final opportunity because the report and recommendation did not expressly provide a date by which Plaintiff should object to the report and recommendation. Furthermore, Plaintiff recently filed a letter with the Court asking for a continuance of a hearing. *See* Docket No. 15. While there is no hearing set in this case (and therefore Plaintiff's request is moot), the letter suggests that Plaintiff might have an intent to proceed with this litigation.

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1 Accordingly, the Court hereby orders Plaintiff to show cause as to why this case should not
2 be dismissed for failure to prosecute. Plaintiff's response shall be filed no later than three weeks
3 from the date of this order. **Plaintiff is forewarned if no response is received by this date, then**
4 **the Court shall dismiss the case and order the file in the case to be closed.**

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6 IT IS SO ORDERED.

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8 Dated: November 15, 2012

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11 EDWARD M. CHEN
12 United States District Judge
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